

IN THE

**Court of Appeal of the State of California**

IN AND FOR THE

**Fifth Appellate District**

**F046310      People v. Benitez**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F045069      People v. Ortiz, III**

The sentence imposed in count VII is vacated and the matter is remanded to the trial court for resentencing on that count. In all other respects the judgment is affirmed. Upon resentencing the trial court shall prepare and amended abstract of judgment, copies of which it shall transmit to all appropriate persons and entities. Harris, Acting P.J.

We concur: Wiseman, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F048680      In re Laney M. et al., Minors; Kern County Department of Human Services v. Andrea M.**

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F048825      Saldivar v. Moreno**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F043771      S & W Seed Company et al. v. Mutual Service Casualty Insurance Company et al.**

**F044251      S & W Seed Company et al. v. Mutual Service Casualty Insurance Company et al.**

The judgment is affirmed. The trial court's orders awarding costs to IGF and MSI are affirmed. Wiseman, J.

We concur: Dibiaso, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F047830      People v. Salazar**

The above-entitled case is submitted for decision.

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- F047830**      **People v. Salazar**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F047246**      **E & J Gallo Winery v. The Worker's Compensation Appeals Board et al.**  
The WCAB's Order Denying Reconsideration is affirmed. Costs are awarded to David Dykes, but his request for attorney fees under section 5801 is denied as there was a reasonable basis for the petition. Wiseman, J.  
We concur: Vartabedian, Acting P.J.; Gomes, J.  
[CERTIFIED FOR PUBLICATION]
- F047924**      **In re Michael C., a Minor**  
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F047924**      **In re Michael C., a Minor**  
The matter is remanded to the juvenile court for it to set a maximum term of confinement in CYA based on the facts and circumstances that brought Michael before the juvenile court. In all other respects, the judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F048442**      **People v. Peyron**  
**F048590**      **People v. Peyron**  
On its own motion and after notice to the parties, the court orders the captioned matters consolidated for purposes of decision.
- F046540**      **People v. Glass**  
Appellant's petition for rehearing filed herein is denied.

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**F045874**      **People v. Wilkins**

Filed modification of opinion (no change in judgment). Harris,  
Acting P.J.

We concur: Wiseman, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]